

## REMARKS

Claims 1-4 are pending; and of these, claim 1 has been amended. Claim 5 has been canceled.

A Request for Continued Examination (RCE), and fee paid by check in the amount of \$790 are enclosed herewith. The submissions accompanying the RCE are (1) this Paper in the form of an amendment and (2) an Information Disclosure Statement.

The Office Action states that claims 1-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Sakamoto (U.S. Pat. No. 5,780,944) patent (hereinafter "Sakamoto") in view of the Aoshima (U.S. Pat. No. 5,384,506) patent (hereinafter "Aoshima"). Upon review of the Examiner's arguments, Applicant maintains that the Examiner's use of the Sakamoto and Aoshima patents as the support for rejection is misguided. Accordingly, Applicant hereby incorporates by reference the comments of Applicant's prior response which are directed to the unsuitability of applying these references to the currently pending claims. Nevertheless, Applicant has chosen to amend independent claim 1, and therefore its dependent claims; thus, with respect to these claims, the rejection thereof is respectfully traversed.

A rejection of a claim on the basis of obviousness under 35 U.S.C. § 103(a) requires that the prior art teach or suggest the combination as claimed. Applicant has amended independent claim 1, by incorporating therein the limitation recited in now canceled claim 5, to better define the invention. More particularly, independent claim 1 has now been amended to recite that an angle  $\theta$  between said first outside magnetic pole portion and said second outside magnetic pole portion with the rotation center of said rotor shaft being the reference is  $\theta = (180 - 180/N)$  degrees. Neither Sakamoto nor Aoshima teach or suggest this construction.

With regard to Sakamoto, there is provided a construction which cannot achieve the advantages of the present invention, i.e., miniaturization in a direction perpendicular to an axial direction. Sakamoto requires a construction in which there exists at least four main magnetic poles in order to achieve its stated objectives. Even assuming in Sakamoto that the number of main magnetic poles is set at two and thus, for example, there remains the main pole 11-1 and main pole 11-2 of which phase opposite to the magnet 5 are different from one another. In such case, when a coil wound on a first main pole 11-1 is energized, the magnetic flux to be generated therefrom would pass to the back yoke 4 through the magnet 5, then through the magnet 5 again and thereafter reach the second main pole 11-2. As such, it would be impossible to rotate the motor of Sakamoto. Unlike Sakamoto, however, the construction as recited in Applicant's claims enables such rotation given the structure and positioning of its component parts. Accordingly, Sakamoto is an inappropriate basis for rejection

With regard to Aoshima, the considerable magnetic resistance, as addressed in Applicant's prior response, and which results from its overall construction is an impediment to the efficient operation of the motor with which it is associated. In this respect, the equation " $\alpha = 180^\circ - 180^\circ / n$ " in Aoshima merely designates a phase difference of magnetization on the first and second rotor members 30 and 31, respectively. The relation expressed by this equation thus fails to teach or suggest the structural arrangement set out in Applicant's claims as now amended.

In particular, Aoshima fails to teach or suggest "a motor comprising . . . an angle  $\theta$  between said first outside magnetic pole portion and said second outside magnetic pole portion with the rotation center of said rotor shaft being the reference is  $\theta = (180 - 180/N)$  degrees", as recited in Applicant's claims. The viewing Sakamoto in combination with Aoshima would thus not result in a structural arrangement required by the above recitation. Such an arrangement


enables an ability to effectively size the motor components in a direction perpendicular to an axial direction thereof, and further causes the magnetic flux generated by such construction to effectively impact the magnet. Accordingly, the rejection as stated in the Office Action under 35 U.S.C. § 103(a) is inappropriate; thus, it is kindly requested that it be withdrawn.

Therefore, it is respectfully submitted that the claims pending in the subject application patentably distinguish over the cited art of record. Reconsideration of the application is respectfully requested. If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, the Examiner is invited to telephone the undersigned directly by calling (212) 790 – 9278.

The Director is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16-1.17 which may be required by Papers filed in this application to Deposit Account No. 03-3415.

Dated: June 19, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Buck", with a long, sweeping horizontal stroke extending to the left.

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